

Panaji, 15th July, 2004 (Ashada 24, 1926)

SERIES I No. 16

OFFICIAL GAZETTE



GOVERNMENT OF GOA

Note: There is one Supplement and one Extraordinary issue to the Official Gazette Series I No. 15 dated 8-7-2004 namely, as follows:—

- (1) Supplement dated 9-7-2004 from pages 347 to 348 regarding Bill from Goa Legislature Secretariat.
- (2) Extraordinary dated 13-7-2004 from pages 349 to 350 regarding Addendum from Department of Tourism.

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

10/3/2003-LA

The Election and other Related Laws (Amendment) Act, 2003 (Central Act No. 46 of 2003), which has been passed by the Parliament and assented to by the President of India on 11-9-2003 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 12-9-2003, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 19th February, 2004.

THE ELECTION AND OTHER RELATED LAWS (AMENDMENT) ACT, 2003

AN

ACT

further to amend the Representation of the People Act, 1951, the Companies Act, 1956 and the Income-tax Act, 1961.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title.*— This Act may be called the Election and Other Related Laws (Amendment) Act, 2003.

CHAPTER II

Amendments of the Representation of the People Act, 1951

2. *Insertion of new sections 29B and 29C.*— After section 29A of the Representation of the People Act, 1951^{43 of 1951} (hereinafter in this Chapter referred to as the principal Act), the following sections shall be inserted, namely:—

'29B. *Political parties entitled to accept contribution.*— Subject to the provisions of the Companies Act, 1956,^{1 of 1956} every political party may accept any amount of contribution voluntarily offered to it by any person or company other than a Government company:

Provided that no political party shall be eligible to accept any contribution from any foreign source defined under clause (e) of section 2 of the Foreign Contribution (Regulation) Act, 1976.^{49 of 1976}

Explanation.— For the purposes of this section and section 29C,—

(a) "company" means a company as defined in section 3;

(b) "Government company" means a company within the meaning of section 617; and

(c) "contribution" has the meaning assigned to it under section 293A, of

the Companies Act, 1956 and includes 1 of 1956. any donation or subscription offered by any person to a political party; and

(d) "person" has the meaning assigned to it under clause (31) of section 2 of the Income-tax Act, 1961, but does 43 of 1961. not include Government company, local Authority and every artificial juridical person wholly or partially funded by the Government.

29C. *Declaration of donation received by the political parties.*— (1) The treasurer of a political party or any other person authorised by the political party in this behalf shall, in each financial year, prepare a report in respect of the following, namely:—

(a) the contribution in excess of twenty thousand rupees received by such political party from any person in that financial year;

(b) the contribution in excess of twenty thousand rupees received by such political party from companies other than Government companies in that financial year.

(2) The report under sub-section (1) shall be in such form as may be prescribed.

(3) The report for a financial year under sub-section (1) shall be submitted by the treasurer of a political party or any other person authorised by the political party in this behalf before the due date for furnishing a return of its income of that financial year under section 139 of the Income-tax Act, 1961 to the Election 43 of 1961. Commission.

(4) Where the treasurer of any political party or any other person authorised by the political party in this behalf fails to submit a report under sub-section (3), then, notwithstanding anything contained in the Income-tax Act, 1961, 49 of 1961. such political party shall not be entitled to any tax relief under that Act.

3. *Insertion of new section 39A.*— After section 39 of the principal Act, the following section shall be inserted, namely:—

'39A. *Allocation of equitable sharing of time.*—

(1) Notwithstanding anything contained in any other law for the time being in force, the Election Commission shall, on the basis of the past performance of a recognised political party, during elections, allocate equitable sharing of time on the cable television network and other

electronic media in such manner as may be prescribed to display or propagate any election matter or to address public in connection with an election.

(2) The allocation of equitable sharing of time under sub-section (1), in respect of an election, shall be made after the publication of list of contesting candidates under section 38 for the election and shall be valid till forty-eight hours before the hour fixed for poll for such election.

(3) The Allocation of equitable sharing of time under sub-section (1) shall be binding on all political parties concerned.

(4) The Election Commission may, for the purposes of this section, make code of conduct for cable operators and electronic media and the cable operators and every person managing or responsible for the management of the electronic media shall abide by such code of conduct.

Explanation.— For the purposes of this section,—

(a) "electronic media" includes radio and any other broadcasting media notified by the Central Government in the Official Gazette;

(b) "cable television network" and "cable operator" have the meanings respectively assigned to them under the Cable Television Networks (Regulation) Act, 1995. 7 of 1995.

4. *Amendment of section 77.*— In section 77 of the principal Act, in sub-section (1), for *Explanations 1 and 3*, the following *Explanations* shall be substituted, namely:—

'*Explanation 1.*— For the removal of doubts, it is hereby declared that—

(a) the expenditure incurred by leaders of a political party on account of travel by air or by any other means of transport for propagating programme of the political party shall not be deemed to be the expenditure in connection with the election incurred or authorised by a candidate of that political party or his election agent for the purposes of this sub-section;

(b) any expenditure incurred in respect of any arrangements made, facilities provided or

any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of section 123 in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenditure in connection with the election incurred or authorised by a candidate or by his election agent for the purposes of this sub-section.

Explanation 2.— For the purposes of clause (a) of *Explanation 1*, the expression "leaders of a political party", in respect of any election, means,—

(i) where such political party is a recognised political party, such persons not exceeding forty in number, and

(ii) where such political party is other than a recognised political party, such persons not exceeding twenty in number,

whose names have been communicated to the Election Commission and the Chief Electoral Officers of the States by the political party to be leaders for the purposes of such election, within a period of seven days from the date of the notification for such election published in the Gazette of India or Official Gazette of the State, as the case may be, under this Act:

Provided that a political party may, in the case where any of the persons referred to in clause (i) or, as the case may be, in clause (ii) dies or ceases to be a member of such political party, by further communication to the Election Commission and the Chief Electoral Officers of the States, substitute new name, during the period ending immediately before forty-eight hours ending with the hour fixed for the conclusion of the last poll for such election, for the name of such person died or ceased to be a member, for the purposes of designating the new leader in his place.

5. *Insertion of new Part VA.*— After Part V of the principal Act, the following Part shall be inserted, namely:—

'PART VA

Free supply of certain material to candidates of recognised political parties

78A. *Free supply of copies of electoral rolls.*—(1) The Government shall, at any election to be held for the purposes of

constituting the House of the People or the Legislative Assembly of a State, supply, free of cost, to the candidates of recognised political parties such number of copies of the electoral roll, as finally published under the Representation of the People Act, 1950 and such other material as may be prescribed.

(2) The material referred to in sub-section (1) shall be supplied,—

(i) subject to such conditions as may be imposed by the Central Government in consultation with the Election Commission with respect to the reduction of the maximum expenditure which may be incurred by the candidate under section 77; and

(ii) through such officers as may be specified by the Election Commission who shall act in accordance with such general or special directions as may be given by the Election Commission.

78B. *Supply of certain items to candidates.* etc.— (1) The Election Commission shall, at any time between the date of publication of the notification calling the election for the purposes of constituting the House of the People or the Legislative Assembly of a State and the date on which the poll is to be taken, supply or cause to be supplied, such items as the Central Government may, by order, determine in consultation with the Election Commission, to the electors in the constituencies concerned or to the candidates set up by the recognised political parties.

(2) Where the Election Commission supplies the items to the candidates under sub-section (1), the Central Government may, in consultation with the Election Commission, impose conditions with respect to the reduction of the maximum expenditure which may be incurred by the candidate under section 77.

Explanation.— For the purposes of section 39A, this Chapter and clause (hh) of sub-section (2) of section 169, the expression "recognised political party", has the meaning assigned to it in the Election Symbols (Reservation and Allotment) Order, 1968.

6. *Amendment of section 169.*— In section 169 of the principal Act, in sub-section (2),—

(i) after clause (aa), the following clause shall be inserted, namely:—

"(aaa) the form of contribution report;"

(ii) after clause (b), the following clause shall be inserted, namely:—

"(bb) the manner of allocation of equitable sharing of time on the cable television network and other electronic media;"

(iii) after clause (h), the following clause shall be inserted, namely:—

"(hh) the material to be supplied by the Government to the candidates of recognised political parties at any election to be held for the purposes of constituting the House of the People or the Legislative Assembly of a State;"

CHAPTER III

Amendment of the Companies Act, 1956

7. *Amendment of section 293A of Act 1 of 1956.*—In section 293A of the Companies Act, 1956, after sub-section (5), the following *Explanation* shall be inserted, namely:—

Explanation.—For the purposes of this section, "political party" means a political party registered under section 29A of the Representation of the People Act, 1951'. 43 of 1951.

CHAPTER IV

Amendments of the Income-tax Act, 1961

8. *Amendment of section 13A.*—In section 13A of the Income-tax Act, 1961 43 of 1961. (hereafter in this Chapter referred to as the Income-tax Act),—

(i) in the proviso, in clause (b), for the words "ten thousand rupees", the words "twenty thousand rupees" shall be substituted;

(ii) after the proviso and before the *Explanation*, the following proviso shall be inserted, namely:—

"Provided further that if the treasurer of such political party or any other person authorised by that political party in this behalf fails to submit a report under sub-section (3) of section 29C of the Representation of the People Act, 1951 43 of 1951. for a financial year, no exemption under this section shall be available for that political party for such financial year.";

(iii) for the *Explanation*, the following *Explanation* shall be substituted, namely:—

Explanation.—For the purposes of this section, "political party" means a political party registered under section 29A of the Representation of the People Act, 1951'. 43 of 1951.

9. *Amendment of section 80A.*—In section 80A of the Income-tax Act, in sub-section (3), for the word, figures and letters "section 80GGA", the words, figures and letters "section 80GGA or section 80GGC" shall be substituted.

10. *Insertion of new sections 80GGB and 80GGC.*—After section 80GGA of the Income-tax Act, the following sections shall be inserted, namely:—

'80GGB. *Deduction in respect of contributions given by companies to political parties.*—In computing the total income of an assessee, being an Indian company, there shall be deducted any sum contributed by it, in the previous year to any political party.

Explanation.—For the removal of doubts, it is hereby declared that for the purposes of this section, the word "contribute", with its grammatical variation, has the meaning assigned to it under section 293A of the Companies Act, 1956. 1 of 1956.

80GGC. *Deduction in respect of contributions given by any person to political parties.*—In computing the total income of an assessee, being any person, except local authority and every artificial juridical person wholly or partly funded by the Government, there shall be deducted any amount of contribution made by him, in the previous year, to a political party.

Explanation.—For the purposes of sections 80GGB and 80GGC, "political party" means a political party registered under section 29A of the Representation of the People Act, 1951'. 43 of 1951.

Notification

10/3/2003-LA

The Repatriation of Prisoners Act, 2003 (Central Act No. 49 of 2003), which has been passed by the Parliament and assented to by the President of India on 28-9-2003 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 30-9-2003, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 19th February, 2004.

THE REPATRIATION PRISONERS ACT, 2003

AN

ACT

to provide for the transfer of certain prisoners from India to country or place outside India and reception in India of certain prisoners from country or place outside India.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Repatriation of Prisoners Act, 2003.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) "contracting State" means a Government of any country or place outside India in respect of which arrangement has been made by the Central Government with the Government of such country or place through a treaty or otherwise for transfer of prisoners from India to such country or place and vice versa and includes any other Government of such country or place specified by the Central Government, by notification in the Official Gazette, under sub-section (1) of section 3;

(b) "Prescribed" means prescribed by rules made under this Act;

(c) "prisoner" means a person undergoing a sentence of imprisonment under an order

passed by a criminal court including the courts established under the law for the time being in force in contracting States;

(d) "warrant" means a warrant issued under sub-section (1) of section 7 or sub-section (2) of section 12, as the case may be;

(e) words and expressions used herein and not defined but defined in the Code of Criminal Procedure, 1973 have the meanings respectively assigned to them in that Code.

3. *Application of Act.*— (1) The Central Government may, by notification in the Official Gazette, direct that the provisions of this Act shall apply to a country or place outside India as may be specified in the notification.

(2) If the notification under sub-section (1) relates to a country or place outside India with which a treaty has been entered into by India for the transfer of prisoners between that country and India, then, such notification shall, also set out the full text of the said treaty and shall in no case remain in force longer than the period of the said treaty.

(3) If the Central Government is of the opinion that, with respect to a country or place outside India, provisions of this Act require to be modified to give effect to a treaty in relation to such country, it may, by notification in the Official Gazette, direct that the application of this Act to such country shall be subject to such conditions, exceptions and modifications specified in the notification.

4. *Application for transfer by a prisoner.*— Any prisoner who is a citizen of a contracting State may make an application to the Central Government for transfer of his custody from India to that contracting State:

Provided that if a prisoner is not able to make an application himself because of his ill health, mental condition, old age or being a minor, then, the application may be made by any other person entitled to act on his behalf.

5. *Consideration of request by Central Government.*— (1) On receipt of the application under section 4, the Central Government shall direct the officer in charge of the prison, where the prisoner is confined, to furnish such information which in the opinion of that Government is relevant for the purpose of transfer.

(2) On receipt of the information under sub-section (1), if the Central Government is satisfied that—

(a) no inquiry, trial or any other proceeding is pending against the prisoner;

(b) death penalty has not been awarded to the prisoner;

(c) the prisoner has not been convicted for an offence under the martial law; and

(d) transfer of custody of the prisoner to the contracting State shall not be prejudicial to the sovereignty, security or any other interest of India,

it shall pass an order for forwarding the application of the prisoner to the contracting State.

6. *Comments of contracting State.*— (1) The application of the prisoner shall be forwarded by the Central Government through prescribed means to the Government of the contracting State to deal with such application along with the following information, namely:—

(a) a copy of the judgment and a copy of the relevant provisions of the law under which the sentence has been passed against the prisoner;

(b) the nature, duration and date of commencement of the sentence of the prisoner;

(c) medical report or any other report regarding the antecedents and character of the prisoner, where it is relevant for the disposal of his application or for deciding the nature of his confinement; and

(d) any other information which the Central Government may consider necessary.

(2) Where any application of a prisoner forwarded by the Central Government has been accepted by the contracting State, the Central Government may seek from such contracting State, all or any of the following information or documents before taking decision to transfer the prisoner to the contracting State, namely:—

(a) a statement or document indicating that the prisoner is a citizen of the contracting State;

(b) a copy of the relevant law of the contracting State constituting the act or omission as the offence, on account of which the sentence has been passed in India, as if such act or omission was an offence under the law of that State;

(c) a statement of the fact or any law or regulation relating to the duration and enforcement of the sentence of the prisoner in the contracting State upon his transfer;

(d) the willingness of the contracting State to accept the transfer of the prisoner and an undertaking to administer the remaining part of the sentence of the prisoner;

(f) an undertaking to comply with the conditions, if any, specified by the Central Government; and

(f) any other information or document which the Central Government may consider necessary.

7. *Consideration of request by Central Government.*— (1) If the Central Government, on receipt of a communication from the concerned contracting State,—

(a) expressing its willingness to accept the transfer of the prisoner; and

(b) undertaking to comply with the conditions specified in the warrant,

is satisfied that the prisoner should be transferred to the said State, the Central Government may, notwithstanding anything contained in any other law for the time being in force, issue a warrant in accordance with the provisions of section 8 in such form as may be prescribed.

(2) Where a warrant is issued under sub-section (1), the Central Government shall inform the contracting State accordingly and request that State to specify the person to whom and the place within India where custody of the prisoner shall be delivered.

8. *Provision to issue warrant for transfer.*—

(1) The Central Government shall authorise an officer not below the rank of a Joint Secretary to a State Government, within the limits of whose jurisdiction the place of imprisonment of the prisoner is situated, to issue a warrant on behalf of the Central Government under sub-section (1) of section 7 directing the officer in charge of the prison therein to deliver the custody of the prisoner to the person authorised by the contracting State to which the prisoner is to be transferred, presenting such person a copy of the warrant together with all the records relating

to the prisoner and the personal effects taken from the prisoner at the time of his admission in the prison.

(2) Upon the presentation of a warrant referred to in sub-section (1), the officer in charge of the prison shall forthwith comply with the warrant and obtain thereon the signature of the person to whom delivery of the prisoner, records and the personal effects relating to the prisoner to be removed from the prison is given.

(3) After delivery of the prisoner to the person authorised by the contracting State under sub-section (2), the officer in charge of the prison transferring the prisoner shall forward a copy of the warrant to the court which committed the prisoner to the prison, along with a statement that the prisoner has been delivered to the person authorised by the contracting State under sub-section (1).

(4) The delivery of the prisoner in compliance of the warrant issued under sub-section (1) shall discharge the officer in charge of the prison from the responsibility of keeping the prisoner in his custody.

9. *Operation of warrant and retaking prisoner.*—It shall be lawful for the person authorised by the contracting State to whom the custody of a prisoner is delivered under the provisions of sub-section (2) of section 8 to receive and hold in custody such prisoner and to convey him out of India and if the prisoner escapes from such custody within India, the prisoner may be arrested without warrant by any person who shall without undue delay deliver such prisoner to the officer in charge of the nearest police station and the prisoner so arrested shall be liable for committing an offence under section 224 of the Indian Penal Code and shall also be liable for such sentence of imprisonment in India which he would have to undergo if the delivery of custody of such prisoner had not been made under section 8.

10. *Transfer of record.*— Where a prisoner is or is to be transferred to a contracting State under the provisions of this Act, the Central Government may requisition the records of any proceeding, including judicial proceedings relating to that prisoner from any court or office, and may direct

that such records shall be sent to the Government of the contracting State.

11. *Power of court and Central Government shall not be affected.*— The transfer of a prisoner from India to a contracting State shall not affect the power of the court which passed the judgment to review its judgment and power of the Central Government or State Government to suspend, remit or commute the sentence in accordance with any law for the time being in force.

12. *Transfer into India.*— (1) The Central Government may accept the transfer of a prisoner, who is a citizen of India, from a contracting State wherein he is undergoing any sentence of imprisonment subject to such terms and conditions as may be agreed to between India and that State.

(2) If the Central Government accepts the request for a transfer under sub-section (1), then, notwithstanding anything contained in any other law for the time being in force, it may issue a warrant to detain the prisoner in prison in accordance with the provisions of section 13 in such form as may be prescribed.

13. *Determination of prison and issue of warrant for receiving transfer in India.*— (1) The Central Government shall, in consultation with a State Government, determine the prison situated within the jurisdiction of such State Government where the prisoner with respect to whom a warrant has been issued under sub-section (2) of section 12, shall be lodged and the officer who shall receive and hold him in custody.

(2) The Central Government shall authorise any officer not below the rank of a Joint Secretary to that Government to issue a warrant under sub-section (2) of section 12 and to direct the officer referred to in sub-section (1) to receive and hold the prisoner, with respect to whom the warrant is issued, in custody.

(3) It shall be lawful for the officer referred to in sub-section (1) to receive and hold in custody any prisoner delivered to him under the direction made in the warrant issued under sub-section (2) of section 12 and to convey such prisoner to any prison determined under sub-section (1) for being dealt with in accordance with the said warrant and if the prisoner escapes from such custody,

the prisoner may be arrested without warrant by any person who shall without undue delay deliver such prisoner to the officer in charge of the nearest police station and the prisoner so arrested shall be liable for committing an offence under section 224 of the Indian Penal Code 45 of 1860. and shall also be liable to be dealt with in accordance with the said warrant.

(4) A warrant under sub section (2) of section 12 shall provide for—

(a) the bringing of the prisoner into India from a contracting State or a place outside India;

(b) the taking of such prisoner in any part of India being a place at which effect may be given to the provisions contained in the warrant;

(c) the nature and duration of imprisonment of the prisoner in accordance with the terms and conditions referred to in sub-section (1) of section 12 and the imprisonment of such prisoner in India in such manner as may be contained in the warrant; and

(d) any other matter which may be prescribed.

(5) Notwithstanding anything contained in any other law for the time being in force, the imprisonment of a prisoner in compliance with a warrant issued under sub-section (2) of section 12 shall be deemed to be imprisonment under a sentence of a court competent to pass such a sentence of imprisonment in India.

(6) If the sentence of imprisonment passed against the prisoner in the contracting State is incompatible with the Indian law as to its nature, duration or both, the Central Government may, by order, adapt the sentence of such punishment as to the nature, duration or both, as the case may be, as is compatible to the sentence of imprisonment provided for a similar offence had that offence been committed in India:

Provided that the sentence so adapted shall, as far as possible, correspond with the sentence imposed by the judgment of the contracting State to the prisoner and such adapted sentence shall not aggravate the punishment, by its nature, duration or both relating to the sentence imposed in the contracting State.

14. *Power to make rules.*— (1) The Central Government may, by notification in the Official

Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the means through which an application may be forwarded under sub-section (1) of section 6;

(b) the form in which a warrant may be issued under sub-section (1) of section 7;

(c) the form in which a warrant may be issued under sub-section (2) of section 12; and

(d) any other matter which may be prescribed under clause (d) of sub-section (4) of section 13.

15. *Laying of rules, etc.*— Every notification issued under sub-sections (1) and (3) of section 3 and every rule made under section 14 shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or rule or both Houses agree that the notification or rule should not be made, the notification or rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification or rule.

16. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament.

Notification

10/3/2003-LA

The Appropriation (No. 2) Act, 2003, (Central Act No. 28 of 2003), which has been passed by the Parliament and assented to by the President of India on 27-3-2003 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 28-3-2003, is hereby published for the general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 19th February, 2004.

THE APPROPRIATION (No. 2) ACT, 2003

AN

ACT

to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 2001, in excess of the amounts granted for those services and for that year.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Appropriation (No. 2) Act, 2003.

2. *Issue of Rs. 230,30,00,518 out of the Consolidated Fund of India to meet certain excess expenditure for the year ended on the 31st March, 2001.*— From and out of the Consolidated Fund of India, the sums specified in column 3 of the Schedule amounting in the aggregate to the sum of two hundred thirty crores, thirty lakhs, five hundred and eighteen rupees shall be deemed to have been authorised to be paid and applied to meet the amounts spent for defraying the charges in respect of the services specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 2001, in excess of the amounts granted for those services and for that year.

3. *Appropriation.*— The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of India under this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ended on the 31st day of March, 2001.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Services and purposes	Excess		
		Voted portion	Charged portion	Total
1	2	3	4	5
		Rs.	Rs.	Rs.
1	Department of Agriculture and Cooperation	Capital 43,72,665	...	43,72,665
11	Department of Posts	Revenue ...	6,64,000	6,64,000
		Capital ...	9,77,000	9,77,000
21	Defence Ordnance Factories	Revenue 229,69,86,853	...	229,69,86,853
		Total 230,13,59,518	16,41,000	230,30,00,518

LOK SABHA**Corrigendum**

to

THE APPROPRIATION (No. 2) BILL, 2003

[As passed by the Houses of Parliament]

1. In the docket page.—

for "excees"

read "excess"

New Delhi;

April 3, 2003

Chaitra 12, 1925(Saka)

Notification

10/3/2003-LA

The Appropriation (Railways) No. 3 Act, 2003, (Central Act No. 30 of 2003), which has been passed by the Parliament and assented to by the President of India on 30-4-2003 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 1-5-2003, is hereby published for the general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 19th February, 2004.

THE APPROPRIATION (RAILWAYS) No. 3
ACT, 2003

AN

ACT

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 2003-04 for the purposes of Railways.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Appropriation (Railways) No. 3 Act, 2003.

2. *Issue of Rs. 77271,43,14,000 out of the Consolidated Fund of India for the financial year 2003-04.*— From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate [inclusive of the sums specified in column 3 of the Schedule to the Appropriation (Railways) Vote on Account Act, 2003] to the sum of seventy-seven thousand two hundred seventy-one crores, forty-three lakhs and fourteen thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2003-04, in respect of the services relating to Railways specified in column 2 of the Schedule.

3. *Appropriation.*— The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
1	2	3	4	5
		Rs.	Rs.	Rs.
1	Railway Board	68,10,62,000	...	68,10,62,000
2	Miscellaneous Expenditure (General)	234,25,38,000	...	234,25,38,000
3	General Superintendence and Services on Railways	1708,40,00,000	...	1708,40,00,000
4	Repairs and Maintenance of Permanent Way and Works	3281,46,46,000	2,16,000	3281,48,62,000
5	Repairs and Maintenance of Motive Power	1803,33,15,000	...	1803,33,15,000
6	Repairs and Maintenance of Carriages and wagons	3383,88,46,000	...	3383,88,46,000
7	Repairs and Maintenance of Plant and Equipment	1839,76,10,000	...	1839,76,10,000
8	Operating Expenses — Rolling Stock and Equipment	2897,11,83,000	...	2897,11,83,000
9	Operating Expenses — Traffic	6949,66,42,000	...	6949,66,42,000
10	Operating Expenses — Fuel	7997,74,46,000	...	7997,74,46,000

1	2	3	4	5
		Rs.	Rs.	Rs.
11	Staff Welfare and Amenities	1354,15,59,000	...	1354,15,59,000
12	Miscellaneous Working Expenses	1649,37,74,000	30,88,90,000	1680,26,64,000
13	Provident Fund, Pension and Other Retirement Benefits	6550,58,45,000	74,64,000	6551,33,09,000
14	Appropriation to Funds	9710,00,00,000	...	9710,00,00,000
15	Dividend to General Revenues, Repayment of loans taken from General Revenues and Amortization of Over- Capitalization	2980,16,00,000	...	2980,16,00,000
16	Assets — Acquisition, Construction and Replacement —			
	Revenue	30,00,00,000	...	30,00,00,000
	Other Expenditure			
	Capital	18376,60,78,000	8,00,00,000	18384,60,78,000
	Railway Funds	3233,80,00,000	60,00,000	3234,40,00,000
	Railway Safety Fund	433,00,00,000	...	433,00,00,000
	Special Railway Safety Fund	2749,36,00,000	40,00,000	2749,76,00,000
	TOTAL	77230,77,44,000	40,65,70,000	77271,43,14,000

Notification

10/3/2003-LA

The Recycled Plastics Manufacture and Usage, Rules, 1999, published in the Gazette of India, vide number S.O. 705(E), dated 2-9-1999, by the Ministry of Environment and Forests, Government of India, are hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 24th February, 2004.

MINISTRY OF ENVIRONMENT AND FORESTS

Notification

New Delhi, the 2nd September 1999

S. O. 705 (E).— Whereas draft rules in exercise of the powers conferred by clause (viii) of sub-section (2) of section 3 read with section 25 of the Environment (Protection) Act, 1986 (29 of 1986) was published in the Gazette vide S.O. 980 (E) dated 20th November, 1998 entitled Recycled

Plastics Usage Rules, 1998 inviting objections from the public within 60 days from the date of the publication of the said notification and whereas all objections received were duly considered;

Now, therefore, in exercise of the powers conferred by clause (viii) of sub-section (2) of section 3 read with section 25 of the Environment (Protection) Act, 1986, the Central Government hereby notifies the rules for the manufacture and use of recycled plastics carry bags and containers;

1. *Short title and commencement.*— (a) These rules may be called the Recycled Plastics Manufacture and Usage Rules, 1999.

(b) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.*— In these rules unless the context requires,

(a) "Act" means the Environment (Protection) Act, 1986;

(b) "Foodstuffs" means ready-to-eat food and food products, fast food, processed and cooked food in liquid, powder, solid or semi-solid form;

(c) "Vendor" means person who sells foodstuffs as defined above packaged and stored in plastic carry bags and containers.

3. *Prescribed Authority.*— (a) The prescribed authority for enforcement of the provisions of these rules related to manufacture and recycling shall be the State Pollution Control Boards in respect of States and the Pollution Control Committees in respect of Union Territories;

(b) The prescribed authority for enforcement of the provisions of these rules related to the use, collection, segregation, transportation and disposal shall be the District Collector/Deputy Commissioner of the concerned district where no such Authority has been constituted by the State Government/Union Territory administration under any law regarding non-biodegradable garbage.

4. *Prohibition of usage of carry bags or containers made of recycled plastics.*— No vendor shall use carry bags or containers made of recycled plastics for storing, carrying, dispensing, or packaging of foodstuffs.

5. *Conditions of Manufacture of carry bags and containers made of plastics.*— Subject to the provisions of rule 4, any person may manufacture carry bags or containers made of plastics if the following conditions are satisfied, namely:—

(a) carry bags and containers made of virgin plastic shall be in natural shade or white;

(b) carry bags and containers made or recycled plastic and used for purposes other than storing and packaging foodstuffs shall be manufactured using pigments and colourants

as per IS:9833:1981 entitled "List of pigments and colourants for use in plastics in contact with foodstuffs, pharmaceuticals and drinking water".

6. *Recycling.*— Recycling of plastics shall be undertaken strictly in accordance with the Bureau of Indian Standards specification: IS 14534: 1998 entitled "The Guidelines for Recycling of Plastics".

7. *Marking/codification.*— Manufacturers of recycled plastic carry bags having printing facilities shall code/mark carry bags and containers as per Bureau of Indian Standard Specification: IS 14534: 1998 entitles "The Guidelines for Recycling of Plastics" and the end product made out of recycled plastics shall be marked as "recycled" along with the indication of the percentage of use of recycled material. Other manufacturers, who do not have printing facilities, shall comply with the condition within one year of publication of these rules. Manufacturers shall print on each packet of carry bags as to whether these are made of "recycled material" or of "virgin plastic".

8. *Thickness of Carry bags.*— The minimum thickness of carrybags made of virgin plastics or recycled plastics shall not be less than 20 microns.

9. *Self regulation by certain persons.*— Without prejudice to the provisions contained in rule 3, the Plastics Industry Association, through their member units, shall undertake self-regulatory measures.

[File No. 15(4)/96-HSMD]

V. RAJAGOPALAN, Jt. Secy.